

AO 91 (Rev. 5/85) Criminal Complaint

United States District Court

NORTHERN

DISTRICT OF

NEW YORK

JUN 17 1997

U.S. DISTRICT COURT
N.D. OF N.Y.
FILED
JAC

UNITED STATES OF AMERICA

V.
JEFF JOHNSON**CRIMINAL COMPLAINT**

CASE NUMBER: 97-m-286 DRH

(Name and Address of Defendant)

I, the undersigned complainant being duly sworn state the following is true and correct to the best of my knowledge and belief. On or about JUNE 17, 1997 in ALBANY county, in the NORTHERN District of NEW YORK defendant(s) did, (Track Statutory Language of Offense)

knowingly and willfully travel in interstate commerce for the purpose of engaging in a sexual act (as defined in section 2246) with a person under 18 years of age that would be a violation of chapter 109A if the sexual act occurred in the territorial jurisdiction of the United States

in violation of Title 18 United States Code, Section(s) §2423(b)

I further state that I am a(n) FBI SPECIAL AGENT and that this complaint is based on the following facts:

(SEE ATTACHED AFFIDAVIT)

Continued on the attached sheet and made a part hereof:

☒ Yes ☐ No

Signature of Complainant

Stephen J. Gaudin
Special Agent
F.B.I.

Sworn to before me and subscribed in my presence,

June 17, 1997

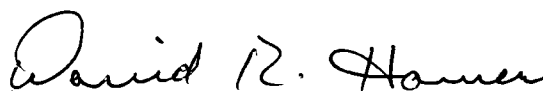
Date

Hon. David R. Homer
U.S. Magistrate Judge

Name & Title of Judicial Officer

at
1Albany, New York

City and State



Signature of Judicial Officer

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF NEW YORK

UNITED STATES OF AMERICA,

v.

JEFF JOHNSON,

Defendant.

AFFIDAVIT IN SUPPORT OF
CRIMINAL COMPLAINT

CASE NUMBER:

STATE OF NEW YORK)
) ss.:
COUNTY OF ALBANY)

Steven Gaudin, being duly sworn deposes and states:

1. That I am a Special Agent with the Federal Bureau of Investigation (hereinafter, FBI) and have been employed in this position for approximately 5 ½ years. I am currently assigned to the Albany, New York Division. It is the responsibility of the FBI to investigate violations of Title 18, U.S.C., § 2423(b).

2. That this affidavit is in support of an Application for a complaint and Arrest Warrant for a JEFF JOHNSON for violations of Title 18, United States Code, Section 2423(b) (Travel With Intent to Engage in Sexual Act With a Minor).

3. As is relevant here, Title 18, United States Code, Section 2423(b) provides that

[a] person who travels in interstate commerce
*** for the purpose of engaging in any sexual

act (as defined in section 2245) with a person under 18 years of age that would be in violation of chapter 109A if the sexual act occurred in the special maritime and territorial jurisdiction of the United States

has committed an offense.

4. Title 18, United States Code, Section 2246 defines "sexual act" as used in section 2423(b) as follows:

(2) The term "sexual act" means--

(A) contact between the penis and the vulva or the penis and the anus, and for the purposes of this subparagraph contact involving the penis occurs upon penetration, however slight;

(B) contact between the mouth and the penis, the mouth and the vulva, or the mouth and the anus;

• the penetration, however slight, of the anal or genital opening of another by a hand or finger or by any object, with an intent to abuse, humiliate, harass, degrade, or arouse or gratify the sexual desire of any person; or

(D) the intentional touching, not through the clothing, of the genitalia of another person who has not attained the age of 16 years with an intent to abuse, humiliate, harass, degrade, or arouse or gratify the sexual desire of any person.

5. As is relevant here, chapter 109A, and, more specifically, Title 18, United States Code, Section 2243(a)(1), makes it an offense to "engage in a sexual act with another person who has attained the age of 12 years but has not attained the age of 16 years" within the special maritime and territorial jurisdiction of the United States.

6. The factual information supplied in this application and

affidavit was provided to the FBI by Lt. Thomas Breslin of the Colonie Police Department. Lt. Breslin has been employed by the Colonie Police Department for the last (19) years.

7. A summary of the background of the current investigation can be described as follows:

a. Lt. Breslin informed me that he has been conversing on America OnLine for the past couple of months in an undercover capacity in various public or private chatrooms.

b. AOL is a commercial computer service, also known as a commercial bulletin board, that offers electronic message bulletin boards to its subscribers enabling them to post messages that can be read by other AOL subscribers. It also provides an electronic mail service, enabling its subscribers to communicate individually by computer. Each AOL subscriber has access to a computer which communicates through a modem connected to a telephone line with the central computer system operated by AOL in Vienna, Virginia, within the Eastern District of Virginia. The subscriber can communicate with other subscribers, either in real time if the other subscribers are simultaneously on line ("chat rooms"), or via electronic mail. Subscribers to the service provided by AOL are able to use "screen" names during communications.

c. While communicating in one of the chatrooms, Lt. Breslin

was contacted by an individual using the name Jeff and the screen name MrFreeEasy. At some point during their conversations, Lt. Breslin informed this individual that he was a 12 year old female. The two thereafter had a number of conversations via America Online.

c. During one conversation in May of 1997, MrFreeEasy indicated, among other things, that he would teach Lt. Breslin about sex and that they could perform oral sex on one another.

d. During another conversation, MrFreeEasy indicated, among other things, that he lived in the State of Virginia but would like to visit Lt. Breslin in Albany, New York. MrFreeEasy eventually arranged to meet with Lt. Breslin at the Colonie Center Mall in Albany on June 17, 1996. MrFreeEasy indicated, among other things, that he would stay at a nearby hotel where they could return after they met. MrFreeEasy indicated that he would be flying in from Boston, MA.

e. During another conversation, MrFreeEasy sent a photograph of himself to Lt. Breslin.

f. During a conversation on June 17, 1997, MrFreeEasy indicated, among other things, that Lt. Breslin would not have to worry about getting pregnant during their meeting since that was what contraceptives are for and that he took care of that.

g. On June 17, 1997, agents of the Colonie Police Department and the Federal Bureau of Investigation determined that a JEFF JOHNSON had checked into the Desmond Hotel in Albany, New York. They were able to identify JOHNSON as MrFreeEasy by the photograph he had previously sent to Lt. Breslin.

h. On June 17, 1997, JEFF JOHNSON was interviewed and admitted that he was MrFreeEasy and that he traveled from Boston, MA to Albany, NY in order to meet with who he thought was a 13 year old girl in order to engage in sexual activities.

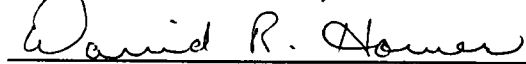
WHEREFORE, I respectfully request that the Court issue a complaint charging defendant, JEFF JOHNSON, with a violation of Title 18, United States Code, Section 2423(b) and an Arrest Warrant.



STEVEN GAUDIN
SPECIAL AGENT
FEDERAL BUREAU OF INVESTIGATION

SWORN TO ME BEFORE THIS

17TH DAY OF JUNE, 1997



HON. DAVID R. HOMER
UNITED STATES MAGISTRATE JUDGE